

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

J.S.T. CORPORATION,

Plaintiff,

v.

Case No. 15-13842

ROBERT BOSCH LLC,
f/k/a ROBERT BOSCH
CORPORATION,
ROBERT BOSCH GMBH, and
BOSCH AUTOMOTIVE PRODUCTS
(SUZHOU) CO., LTD.,

HON. AVERN COHN

Defendants.

ORDER
ADOPTING REPORT AND RECOMMENDATION NO. 7 (Doc. 369)
REGARDING BOSCH'S REQUEST TO ENFORCE PARTIES' AGREEMENT
REGARDING "TAPE TIME" OF FOREIGN DEPOSITIONS

I.

This is a misappropriation of trade secrets case. Plaintiff, J.S.T. Corporation ("JST"), is suing Defendants, Robert Bosch LLC, Robert Bosch GmbH, and Bosch Automotive Products Co., Ltd. (collectively, "Bosch").

The Court appointed an Expert Advisor to deal with discovery and other matters. (Doc. 191). The Expert Advisor issued a Report and Recommendation No. 7 (Doc. 369) regarding Bosch's request to enforce an agreement between the parties in which Bosch says the parties agreed to (1) conduct all foreign depositions in six hours (five hours of cross-examination and one hour of redirect, (2) if a Rule 30(b)(1) witness was also designated as a Rule 30(b)(6) witness, the Rule 30(b)(1) and 30(b)(6) testimony would be taken at the same time and the Rule 30(b)(6) testimony would not be counted against

each party's allotted number of depositions. The Expert Advisor, after hearing objections from the parties, recommends the following:

1. Bosch has not met its burden of showing the parties reached an agreement to limit all foreign depositions to less than seven hours. Absent such an agreement, the depositions of Ms. Xu, Mr. Kaelber, Mr. Ruiz, and Mr. Olivares are limited each to one day of seven hours. Fed. R. Civ. P. 30(d)(1).
2. It is undisputed that the dual-capacity depositions that have already occurred were considered by the parties to count for only one deposition toward the parties' 20-deposition limit. As a result, each of those dual-capacity depositions are treated as one deposition.
3. JST also has met its burden of showing that this agreement applied to the first 20 depositions noticed by each party, including the 19 depositions listed in JST's July 9, 2018 email. But beyond those first 20 depositions, the parties are not required to treat Rule 30(b)(6) testimony that is conducted simultaneously with Rule 30(b)(1) testimony as a single deposition that counts as only one deposition against the parties' total number.

II.

The Court, having considered the matter, agrees with the recommendations of the Expert Advisor. Accordingly, Report and Recommendation No. 7 is ADOPTED as the findings and conclusions of the Court. The parties shall comply with the Expert Advisor's three recommendations forthwith.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: 4/24/2019
Detroit, Michigan